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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No.538 of 2004

Appellants Plaintiffs

1. Badai, son of Late Bhunwar Gond, aged about 40 years
2. Son Sai, son of Late Bhunwar Gond, aged about 38 years
3. Hulaso @ Pyaro, Widow of Late Dhunwar Gond, aged about 60 years

(All are agriculturists, resident of Village : Baghima, Police Station : Dhourpur, Tahsil : Rajpur, Distt. : Surguja – C.G.)

versus

Respondents Defendants

1. Pahun Gond, son of Dhaneshwar Gond, aged about 55 years
2. Gharbharan, son of Jagesar Gond, aged about 50 years

(Both are agriculturists and resident of : Baghima, Police Station : Dhourpur, Tahsil : Rajpur, Distt. : Surguja – C.G.)

3. State of Chhattisgarh, through the Collector, Ambikapur, District : Surguja (C.G.)

Second Appeal under Section 100 of the Code of Civil Procedure, 1908

Present : Appellants by Shri V.K.Pandey, learned counsel.
The State/respondent No.3 by Shri Akhil Agrawal, learned Panel Lawyer.

ORDER
(Passed on 22nd of November, 2007)

Heard on admission.

(2) Shri V.K.Pandey, learned counsel for the appellants/plaintiffs has failed to show any ground for interference in the concurrent finding of fact recorded by both the Courts below that the appellants/plaintiffs have failed to establish that Bhunwar was the adopted son of Maheshwar. A perusal of the record shows that there is no evidence on record to show that clause (vi) of Section 11 of the Hindu Adoptions and Maintenance Act,

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1956 was complied. There is no pleading as to the date of adoption as also the age at which Bhunwar was adopted by Maheshwar. There is no such pleading that adoption beyond the age of 15 years was permitted by custom. Both the Courts below have, on proper appreciation of evidence, oral as well as documentary, declined to grant relief to the appellants/plaintiffs. In my considered opinion, no substantial question of law arises for determination in this appeal. Accordingly, the appeal, being devoid of merit, is dismissed at the stage of admission.

Sdl-
Dilip Raosaheb Deshmukh
Judge

Gopal